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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,451	03/07/2002	Chi Chang	SUND 295	9022

7590 12/15/2005

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EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2646

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/091,451	CHANG ET AL.	
	Examiner	Art Unit	
	Walter F. Briney III	2646	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: With respect to claim 1, the applicant alleges on pages 8-10 of the current response that the buffer 36 as disclosed by Jain does not anticipate the comparator recited in claim 1, to which the examiner respectfully disagrees. On page 8, lines 19-26, of the current response, the applicant sets forth alleged characteristics of a buffer. According to the applicant, a buffer apparently matches impedance or current loads, does not change voltage or detect any condition, has one input end and the output voltage corresponds only to the input voltage level. With respect to the so-called buffer 36 of Jain, there is no disclosure of it matching impedance or current loads, it detects the presence of a high and low input signal on line 16, has a first input as shown connected to line 16 and a second input in connection with either power supply VDD or VSS—admitted by the applicant on page, lines 8-12, of the current response—and its output depends (at least) on the minimum input voltage necessary to transition between a low and high state—admitted by the applicant on page 10, lines 3-10, of the current response. In light of these properties of buffer 36, it is clear that the alleged differences between the comparator as recited and the buffer disclosed by Jain are untenable.

On page 9, lines 4-21, of the current response, the applicant alleges that the "intrinsic...reference voltage" cited by the examiner must be referring to a ground potential for use by the inverters. This appears to be based on the applicant's remarks on page 10 of the current response that indicate the minimum turn-on threshold for an inverter does not correspond to the claimed reference and will be treated below. The arguments concerning the validity of the applicant's allegation notwithstanding, the applicant further alleges that the ground potential used by the inverters also does not correspond to the claimed reference voltage as the mere recitation of a reference voltage would be understood as a reference to something other than ground. By way of analogy, the applicant suggests that a geographer would interpret "300 feet" to mean "300 feet above mean sea level," and "300 feet above a reference elevation" to mean, essentially, "300 feet above an elevation besides mean sea level." In like manner, the applicant appears to imply that "300 volts" means "300 volts above ground voltage," while "300 volts above a reference voltage" means "300 volts above any other voltage besides ground." On one hand, this argument cannot be resolved logically, but rests in a subjective view on the phrase "300 volts above a reference voltage." It is the opinion of the Office, that "a reference voltage" is a broad claim limitation, and as admitted by the applicant (page 9, lines 15-16), reads on a ground voltage, as "ground can be a reference voltage." On the other hand, this argument is moot because the power supplied to the inverter could easily correspond to the reference voltage claimed.

On page 10, lines 1-10, of the current response, the applicant alleges that the intrinsic thresholds of the inverters disclosed by Jain will not affect the operation of the buffer 36. In support of this, the applicant suggests that the minimum turn-on voltage for the inverters is known, taken into account, and obviated. The examiner does not understand the applicant's comment concerning obviating the minimum turn-on voltage. The turn-on threshold defines the noise margin of the inverter, which gives rise to the high-noise immunity typical in inverters comprising CMOS logic. A skewed turn-on threshold, i.e. where the input threshold approaches the potential of the one of the power supplies, results in a reduced noise threshold. Obviating this, as in removing its effects, would result in an improperly functioning inverter. Therefore, as all of the applicant's allegations have been shown to be either moot or unpersuasive, the rejection of claim 1 is maintained.

With respect to claims 2-16, the applicant alleges that these claims depend from claim 1, and should be allowable over the cited prior art for at least the same reasons; however, as the rejection of claim 1 has been maintained apropos the examiner's remarks above, the rejections of these claims are likewise maintained.



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SUPERVISORY PATENT EXAMINER